

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON WILLIAM MORRELL,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner
of the Social Security Administration,¹

Defendant.

CASE NO. 12-cv-05874 RJB

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 17.)

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the defendant in this suit.

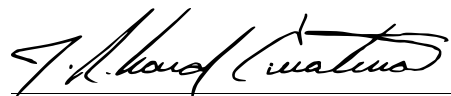
1 After reviewing defendant's stipulated motion and the relevant record, the undersigned
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
3 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

4 On remand, based on the parties' stipulation, this Court recommends that the
5 Administrative Law Judge ("ALJ") update the medical record, if necessary; obtain a medical
6 opinion as to whether or not plaintiff's impairments meet or equal the criteria of any Listing; and
7 reevaluate whether or not plaintiff's spinal impairment(s) meets or equals the criteria of Listing
8 1.04.

9 This Court further recommends that the ALJ take any other actions necessary to develop
10 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
11 to the ALJ on remand.

12 Given the facts and the parties' stipulation, the Court recommends that the District Judge
13 immediately approve this Report and Recommendation and order the case be **REVERSED** and
14 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

15 Dated this 14th day of March, 2013.

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18 J. Richard Creatura
19 United States Magistrate Judge
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